



---

## **South Florida Water Management District**

---

### **GOVERNING BOARD MEETING AGENDA**

*This meeting is open to the public*

**March 11, 2010**

**9:00 AM**

**Florida Seminole Veterans Building, Brighton Seminole  
Indian Reservation**

**800 E Harney Pond Road  
Okeechobee, Florida 34974**

*All or part of this meeting may be conducted as a teleconference in order to permit maximum participation of Governing Board members.*

*The Governing Board may take official action at this meeting on any item appearing on this agenda and on any item that is added to this agenda as a result of a change to the agenda approved by the presiding officer of the meeting pursuant to Section 120.525, Florida Statutes. The order of items appearing on the agenda is subject to change during the meeting and is at the discretion of the presiding officer. Public Comment will be taken after each presentation and before any Governing Board action(s) except for Governing Board hearings that involve the issuance of final orders based on recommended Orders received from the Florida Division of Administrative Hearings.*

- 1. Call to Order** - Eric Buermann, Chairman, Governing Board
- 2. Pledge of Allegiance** - Eric Buermann, Chairman, Governing Board
- 3. Seminole Tribe of Florida** - Andrew J. Bowers, Jr., Brighton Representative for Seminole Tribe of Florida Tribal Council
- 4. Agenda Addendum** - Annette Carter, Director, Office of Governing Board & Executive Services
- 5. Abstentions by Board Members from items on the Agenda**
- 6. Water Resources Advisory Commission (WRAC) Report** - Charles Dauray, Vice Chair, Lake Okeechobee Sub-Committee

# Consent Agenda

*Members of the public wishing to address the Governing Board are to complete a Public Comment Card and submit the card to the front desk attendant. You will be called by the Board Chair or designee to speak. If you want to request that an item be removed from the Consent Agenda and be discussed by the Governing Board, please advise the Governing Board when you are called upon to speak. Governing Board directives limit comments from the public to 3 minutes unless otherwise determined by the Governing Board Chair. Your comments will be considered by the Governing Board prior to adoption of the Consent Agenda.*

Unless otherwise determined by the Chair, Board action on pulled Consent Agenda items will occur at or after 9:00 a.m. on Thursday. Regulatory items pulled from the Consent Agenda for discussion will be heard during the Discussion Agenda. **Unless otherwise noted, all Consent Agenda items are recommended for approval.**

7. Public Comment on Consent Agenda
8. Pull Items for Discussion from Consent Agenda
9. Board Comment on Consent Agenda

## **Regulatory Matters**

10. Denials

Consent Agreements

Conservation Easement Amendments and Releases

Conversion/Transfer Denials

See supporting document: [ca\\_rm\\_wr\\_101\\_sd.pdf](#)

11. Right of Way Occupancy New Permits

Right of Way Occupancy Permit Modifications

Right of Way Occupancy Permit Requests with Waiver of District Criteria

Right of Way Occupancy Permit Requests for Denial

See supporting document: [ca\\_rm\\_om\\_100\\_sd.pdf](#)

## **Everglades Restoration and Capital Projects**

12. **2010-300** A Resolution of the Governing Board of the South Florida Water Management District approving Staff recommendations for releases of District canal, mineral and road reservations, releases of Trustees of the Internal Improvement Trust Fund (T.I.I.T.F.) canal reservations, and issuance of non-use commitments; providing an effective date. (Vinola Rada, ext. 6158)

See supporting document: [ca\\_lr\\_100\\_sd.pdf](#)

See resolution document: [ca\\_lr\\_100\\_rd.pdf](#)

See supporting document: [ca\\_lr\\_100\\_ExhA.pdf](#)

13. **2010-301** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a six-month contract with Aquent, Inc. under GSA Contract #GS-23F0102M for two on-site technical editors for the 2011 South Florida Environmental Report Project, in the not-to-exceed amount of \$178,560, for which ad valorem funds in the amount of \$76,320 are budgeted; and the remainder is subject to Governing Board approval of the FY2011 budget; providing an effective date. (Contract Number 4600002001) (Stacey Ollis, ext. 2039)  
See supporting document: [ca\\_er\\_restsci\\_100\\_sd.pdf](#)  
See resolution document: [ca\\_er\\_rd\\_15465\\_BFLD.pdf](#)
14. **2010-302** A Resolution of the Governing Board of the South Florida Water Management District amending Resolution No. 2008-1005, dated October 9, 2008, as previously amended by Resolution No. 2009-929, dated September 10, 2009, whereby the Governing Board authorized the District to grant conservation easements in favor of the Florida Department of Environmental Protection (FDEP) over lands, comprising 1257.58 acres, more or less, located in the Corkscrew Regional Ecosystem Watershed, Lee County, to (i) reduce the portion of Tract No. 09003-774 that will be encumbered by the conservation easement from 20.0 acres, more or less, to 15.72 acres, more or less, and (ii) increase the portion of Tract No. 09003-777 that will be encumbered by the conservation easement from 11.44 acres, more or less, to 15.72 acres, more or less; providing an effective date. (Tom Hanaway, ext. 6668)  
See supporting document: [ca\\_lr\\_102\\_sd.pdf](#)  
See resolution document: [ca\\_lr\\_102\\_rd.pdf](#)  
See supporting document: [ca\\_lr\\_102\\_ExhA\\_09003-774.pdf](#)  
See supporting document: [ca\\_lr\\_102\\_Exh A\\_09003-777.pdf](#)  
See supporting document: [ca\\_lr\\_102\\_ExhAA\\_map.pdf](#)
15. **2010-303** A Resolution of the Governing Board of the South Florida Water Management District authorizing a final purchase offer and eminent domain proceedings for the acquisition of certain land interests, consisting of 2.80 acres, more or less, in Polk County, Florida, which are part of the Kissimmee River Restoration and Headwaters Revitalization Project for which ad valorem (Capital Projects Okeechobee) and dedicated (Florida Forever Trust Fund) funds are budgeted; providing an effective date. (Bob Schaeffer, ext. 2985)  
See supporting document: [ca\\_lr\\_103\\_sd.pdf](#)  
See resolution document: [ca\\_lr\\_103\\_rd.pdf](#)  
See supporting document: [ca\\_lr\\_103\\_ExhA.pdf](#)  
See supporting document: [ca\\_lr\\_103\\_map\\_ExhAA.pdf](#)  
See supporting document: [ca\\_lr\\_103\\_ExhB.pdf](#)
16. **2010-304** A Resolution of the Governing Board of the South Florida Water Management District advising the Department of Environmental Protection of the proposed acquisition of land interests containing 2.80 acres for the Kissimmee River Restoration and Headwaters Revitalization Project, in Polk County, and requesting the release of funds from the Florida Forever Trust Fund for acquisition of such land interests, together with statutory costs and associated costs; providing an effective date. (Bob Schaeffer, ext. 2985)

See resolution document: [ca\\_lr\\_104\\_rd.pdf](#)  
See supporting document: [ca\\_lr\\_104\\_ExhA.pdf](#)  
See supporting document: [ca\\_lr\\_104\\_map\\_ExhAA.pdf](#)

- 17. 2010-305** A Resolution of the Governing Board of the South Florida Water Management District authorizing declaring surplus and authorizing granting permanent natural gas transmission pipeline easements and temporary construction and access easements over portions of the Kissimmee River Project, the Lake Okeechobee Water Retention & Phosphorous Removal Critical Restoration Project and the Indian River Lagoon-South Project comprising approximately 37.498 acres, more or less, located in Highlands, Okeechobee and Martin Counties in settlement of pending eminent domain action by Florida Gas Transmission Company, LLC., against the South Florida Water Management District for the appraised value of \$163,640; providing an effective date. (Bruce Hall, ext. 6541)

See supporting document: [ca\\_lr\\_107\\_sd.pdf](#)  
See resolution document: [ca\\_lr\\_107\\_rd.pdf](#)  
See supporting document: [ca\\_lr\\_107\\_ExhA\\_8010E-001\\_8010E-002.pdf](#)  
See supporting document: [ca\\_lr\\_107\\_ExhA\\_4tracts.pdf](#)  
See supporting document: [ca\\_lr\\_107\\_ExhA\\_C110E-001.pdf](#)  
See supporting document: [ca\\_lr\\_107\\_ExhA\\_KE10E-004.pdf](#)

- 18. 2010-306** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Battelle Memorial Institute, one of four firms selected under Request for Proposal 6000000307 for Quality Assurance/Quality Control and Validation of Scientific Processes and Data (including field sampling and laboratory audits, review of field and lab Standard Operating Procedures, ethics training), in an amount not to exceed the total funding of \$900,000 for all four contracts (4600002056, 4600002057, 4600002058, and 4600002059), for which \$300,000 in ad valorem and dedicated funds are subject to Governing Board approval of the FY11 budget; and the remainder is subject to Governing Board approval of the FY12-13 budgets; providing an effective date. (Contract Number 4600002056) (Michael Wright, ext. 4523)

See supporting document: [ca\\_er\\_restsci\\_101\\_sd.pdf](#)  
See resolution document: [ca\\_er\\_rd\\_15445\\_BFLD.pdf](#)

- 19. 2010-307** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with HSW Engineering, Inc., one of four firms selected under Request for Proposal 6000000307 for Quality Assurance/Quality Control and Validation of Scientific Processes and Data (including field sampling and laboratory audits, review of field and lab Standard Operating Procedures, ethics training), in an amount not to exceed the total funding of \$900,000 for all four contracts (4600002056, 4600002057, 4600002058, and 4600002059), for which \$300,000 in ad valorem and dedicated funds are subject to Governing Board approval of the FY11 budget; and the remainder is subject to Governing Board approval of the FY12-13 budgets; providing an effective date. (Contract Number 4600002057) (Michael Wright, ext. 4523)

See supporting document: [ca\\_er\\_restsci\\_101\\_sd.pdf](#)

See resolution document: [ca\\_er\\_rd\\_15446\\_BFLD.pdf](#)

- 20. 2010-308** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Rare Earth Sciences d/b/a HSA Engineers and Scientists, one of four firms selected under Request for Proposal 6000000307 for Quality Assurance/Quality Control and Validation of Scientific Processes and Data (including field sampling and laboratory audits, review of field and lab Standard Operating Procedures, ethics training), in an amount not to exceed the total funding of \$900,000 for all four contracts (4600002056, 4600002057, 4600002058, and 4600002059), for which \$300,000 in ad valorem and dedicated funds are subject to Governing Board approval of the FY11 budget; and the remainder is subject to Governing Board approval of the FY12-13 budgets; providing an effective date. (Contract Number 4600002058) (Michael Wright, ext. 4523)

See supporting document: [ca\\_er\\_restsci\\_101\\_sd.pdf](#)

See resolution document: [ca\\_er\\_rd\\_15447\\_BFLD.pdf](#)

- 21. 2010-309** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three year work order contract, subject to successful negotiations with Laboratory Data Consultants FL, Inc., one of four firms selected under Request for Proposal 6000000307 for Quality Assurance/Quality Control and Validation of Scientific Processes and Data (including field sampling and laboratory audits, review of field and lab Standard Operating Procedures, ethics training), in an amount not to exceed the total funding of \$900,000 for all four contracts (4600002056, 4600002057, 4600002058, and 4600002059), for which \$300,000 in ad valorem and dedicated funds are subject to Governing Board approval of the FY11 budget; and the remainder is subject to Governing Board approval of the FY12-13 budgets; providing an effective date. (Contract Number 4600002059) (Michael Wright, ext. 4523)

See supporting document: [ca\\_er\\_restsci\\_101\\_sd.pdf](#)

See resolution document: [ca\\_er\\_rd\\_15448\\_BFLD.pdf](#)

- 22. 2010-310** A Resolution of the Governing Board of the South Florida Water Management District to authorize a ninety-nine year lease of land interests comprising 35.8 acres, more or less, with the City of Clewiston for recreational use, at no cost to the District; providing an effective date. (Contract No. 4600002053) (Ruth Clements, ext. 6271/Andrea Stringer, ext. 6742)

See supporting document: [ca\\_lr\\_110\\_sd.pdf](#)

See resolution document: [ca\\_lr\\_110\\_rd.pdf](#)

## **Executive Office**

- 23. 2010-311** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit to enforce District statutes and rules, and to pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Finca Vigia, LLC, and any other appropriate or necessary parties, in Hendry County Circuit Court or other appropriate forum, regarding the property located at 15511 CR 846, Sections 12 & 13, Township 47 South, and Range 31 East, Clewiston, Hendry County, Florida 34142 (PROPERTY). (Alison Kelly, ext. 2977)  
See supporting document: [ca\\_oc\\_003\\_sd.pdf](#)  
See resolution document: [ca\\_oc\\_003\\_rd.pdf](#)
- 24. 2010-312** A Resolution of the Governing Board of the South Florida Water Management District authorizing the transfer of funds within the District FY2009-2010 budget as shown on the attachment hereto; providing an effective date (Mike Smykowski, ext. 6295).  
See supporting document: [ca\\_exo\\_001\\_sd.pdf](#)  
See supporting document: [ca\\_exo\\_001\\_sd1.pdf](#)  
See resolution document: [ca\\_exo\\_001\\_rd.pdf](#)
- 25. 2010-313** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit to enforce District Statutes, Orders and Rules, and to pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Big Island Excavating, Inc., William McDaniel, Jr., and any other appropriate or necessary parties, in Palm Beach County Circuit Court or other appropriate forum. (Robert Panse, ext. 6279)  
See supporting document: [ca\\_oc\\_002\\_sd.pdf](#)  
See resolution document: [ca\\_oc\\_002\\_rd.pdf](#)
- 26. 2010-314** A Resolution of the Governing Board of the South Florida Water Management District to authorize District staff to file suit to enforce District Statutes and Rules, and to pursue any appropriate damages and remedies, and take all appropriate action, including the authority to settle the matter, subject to the approval of the Executive Director, against Hendry Turf, LLC and any other appropriate or necessary parties, in the 20th Judicial Circuit in and for Hendry County or other appropriate forum, providing an effective date. (Jennifer Bokankowitz, ext. 2258)  
See supporting document: [ca\\_oc\\_001\\_sd.pdf](#)  
See resolution document: [ca\\_oc\\_001\\_rd.pdf](#)

### **Regulatory and Public Affairs**

- 27. 2010-315** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into an indefinite term memorandum of agreement with the U.S. Environmental Protection Agency to minimize the potential effects of groundwater contamination within the District's jurisdiction that are impacted or potentially impacted by Superfund sites at no cost to the District; providing an effective date. (Contract No. 4600002060) (Dean Powell, ext. 6787)  
See supporting document: [ca\\_rp\\_201\\_sd.pdf](#)  
See resolution document: [ca\\_rp\\_rd\\_15307\\_BFLD.pdf](#)



28. Authorize publication of a Notice of Rule Development in the Florida Administrative Weekly (FAW) to amend Rule 40E-3.035, F.A.C., to: 1) incorporate by reference the Well Construction Program Delegation Agreements between the South Florida Water Management District and the following County Health Departments: Broward, Glades, Highlands, Lee, Miami-Dade, Orange, Osceola, Polk, and Palm Beach Counties; 2) incorporate by reference the First Amendments to existing Well Construction Program Delegation Agreements between the South Florida Water Management District and the following governmental entities: the City of Cape Coral and the County Health Departments for Collier, Hendry, Martin, Okeechobee, Osceola, and St. Lucie Counties; and, 3) incorporate by reference the Second Amendments to the existing Well Construction Program Delegation Agreements between the South Florida Water Management District and the following County Health Departments: Okeechobee, Martin, and St. Lucie Counties. (Dean Powell, ext. 6787)  
See supporting document: [ca\\_rp\\_202\\_sd.pdf](#)

### **Corporate Resources**

29. **2010-316** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year contract with Postal Center International, Inc. The lowest responsive and responsible bidder, for District duplication and bindery services for \$540,000, of which \$150,000 of ad valorem funds is budgeted in FY10 and the remainder is subject to Governing Board approval of the FY11-13 Budgets; providing an effective date. (SAP Contract Number 4600002072) Project sponsor: Jim Mandolfo, ext 6072.)  
See supporting document: [ca\\_cr\\_201\\_sd.pdf](#)  
See resolution document: [ca\\_cr\\_201\\_rd.pdf](#)
30. **2010-317** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three (3) year lease, with a two (2) year renewal option with 205 N. Parrot Avenue Holdings, LLC for the Okeechobee Service Center office lease, in an amount not to exceed \$630,471.12, of which \$99,995.40 of ad valorem funds is budgeted in FY10, and the remainder is subject to Governing Board approval of the FY11- FY13 budgets; providing an effective date. (Contract No: 4600002078). Project manager: Jon Gleason x6380.  
See supporting document: [ca\\_cr\\_202\\_sd.pdf](#)  
See resolution document: [ca\\_cr\\_202\\_rd.pdf](#)

### **Operations and Maintenance**

31. **2010-318** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 32 month contract with Ronald Mierau, for subject matter expertise for the Operations Decision Supports System (ODSS) to ensure that the operational and business rule knowledge used by District Water Managers to manage the Surface Water Network is captured and incorporated into ODSS and authorize a Waiver of Competition as an exception to the general standards of competition, in the not-to-exceed amount of \$264,000 for which \$72,000 is budgeted and the remainder is subject to Governing Board approval of the FY11-FY13 budgets; providing an effective date. (Contract Number 4600002034) (Lakin Flowers, ext. 2639)  
See supporting document: [ca\\_om\\_002\\_sd1.pdf](#)

See resolution document: [ca\\_om\\_rd\\_15343\\_BFLD.pdf](#)

See supporting document: [ca\\_om\\_002\\_waiver.pdf](#)

- 32. 2010-319** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 258 day contract with Interlaken Incorporated, the lowest responsive and responsible bidder, for the S-6 Service Bridge Upgrades, in the amount of \$581,000 of which ad valorem funds of \$427,000 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002083) (Tzufit Boyle, ext. 4071)

See supporting document: [ca\\_om\\_001\\_sd.pdf](#)

See resolution document: [ca\\_om\\_rd\\_15418\\_BFLD.pdf](#)

See supporting CJSS: [ca\\_om\\_001\\_cjss.pdf](#)

- 33. 2010-320** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 5 month contract with Florida Power & Light, for the S-135 Electrical Power Services, and authorize a special procurement as an exception to the general standards of competition, in an amount not-to-exceed \$316,199 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600002064) (Robin Deaton, ext. 2628)

See supporting document: [ca\\_om\\_003\\_sd.pdf](#)

See resolution document: [ca\\_om\\_rd\\_15461\\_BFLD.pdf](#)

- 34. 2010-321** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 180 day contract with C&D Construction Incorporated, the lowest responsive and responsible bidder, for the S-62 Concrete Repairs, in the amount of \$747,800 for which ad valorem funds are budgeted; providing an effective date. (Contract Number 4600002081) (Alex Garcia, ext. 3724)

See supporting document: [ca\\_om\\_009\\_sd.pdf](#)

See resolution document: [ca\\_om\\_rd\\_15405\\_BFLD.pdf](#)

See supporting CJSS: [ca\\_om\\_009\\_cjss.pdf](#)

- 35. 2010-322** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a 300 day contract with Close Construction Incorporated, the lowest responsive and responsible bidder for the S-331 Pump Station Hardening in the amount of \$563,460 for which ad valorem funds of \$314,200 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600002079) (Tzufit Boyle, ext. 4071)

See supporting document: [ca\\_om\\_008\\_sd.pdf](#)

See resolution document: [ca\\_om\\_rd\\_15466\\_BFLD.pdf](#)

See supporting CJSS: [ca\\_om\\_008\\_cjss.pdf](#)

- 36. Board Vote on Consent Agenda**



# Workshop Agenda

## **Regulatory and Public Affairs**

- 37. Central Florida Coordination Area Activity Update** - Dean Powell, Deputy Director, Water Supply Management Department (ext. 6787)
- 38. Polk County Alternative Water Supply Master Plan** - Gary Fries, P.E., Director, Polk County Utilities
- 39. Dispersed Water Management and Treatment Update-** Benita Whalen, Deputy Director, Environmental Resource Regulation, Sarah Lynch, World Wildlife Fund, and Len Shabman, Co-Director, Florida Ranchlands Environmental Services Program (FRESP) (ext. 2957)

# Discussion Agenda

## **Everglades Restoration and Capital Projects**

- 40. 2010-323** A Resolution of the Governing Board of the South Florida Water Management District to authorize entering into a three-year and nine-month contract with Florida Power and Light Company for the C-44 Reservoir/STA Project to provide power distribution services in the not-to-exceed amount of \$1,200,000 of which dedicated funds (Save Our Everglades Trust Fund) in the amount of \$600,000 are budgeted and the remainder is subject to Governing Board approval of future fiscal year budgets; providing an effective date. (Contract Number 4600002077) (Ruth Clements, ext. 6271 and Sue Ray, ext. 4019)

See supporting document: [da\\_er\\_001\\_C-44 FPL Memo\\_sd.pdf](#)

See supporting document: [da\\_er\\_001\\_C44 FPL Map 1\\_sd.pdf](#)

See supporting document: [da\\_er\\_001\\_C44 FPL Map 2\\_sd.pdf](#)

See resolution document: [da\\_er\\_rd\\_15444\\_BFLD.pdf](#)

## **Executive Office**

- 41.** Consideration of an extension to the Certificates of Participation validation deadline contained within the Amended and Restated Agreement for Sale and Purchase between the United States Sugar Corporation, SBG Farms, Inc., Southern Gardens Groves Corporation and the South Florida Water Management District from March 31, 2010 to September 30, 2010 (Tom Olliff, ext. 2132)

See supporting document: [da\\_ex\\_sd\\_GBMemo.pdf](#)

- 42.** Consideration of (1) Administrative Law Judge P. Michael Ruffs Recommended Order, and (2) timely filed Exceptions to the Recommended Order and Responses thereto in DOAH Case No. 09-4996BID, Close Construction, Inc. v. South Florida Water Management District and Worth Contracting, Inc., regarding the Districts decision to award a contract for the refurbishment and automation of District structures G-123 and S-34 to Worth Contracting, Inc. (Sheryl G. Wood, General Counsel, ext. 6976) **(Time Certain: 11:00 AM)**

- 43. 2010-324** A Resolution of the Governing Board of the South Florida Water Management District authorizing a settlement and the execution of documents required to effectuate a settlement in connection with an inverse condemnation action involving lands within the Biscayne Coastal Wetlands Project, styled Cutler Properties, LC v. South Florida Water Management District, filed in the 11th Judicial Circuit Court in and for Miami-Dade County, Florida, Case No. 08-46701 CA5; providing an effective date. (Keith Rizzardi, ext. 6274) **(Time Certain: 11:30 AM)**

See resolution document: [ca\\_oc\\_004\\_rd.pdf](#)

- 44. 2010-325** A Resolution of the Governing Board of the South Florida Water Management District to approve the acquisition of land interests containing 129.88 acres, more or less, in Miami-Dade County, for the Biscayne Bay Coastal Wetlands CERP Project, in the amount of \$24,500,000, and associated costs for which dedicated funds (Save Our Everglades Trust Fund) are budgeted; providing an effective date. (Bob Schaeffer, ext. 2985)

See supporting document: [da\\_lr\\_108\\_sd.pdf](#)  
See resolution document: [da\\_lr\\_108\\_rd.pdf](#)  
See supporting document: [da\\_lr\\_108\\_ExhA\\_legal.pdf](#)  
See supporting document: [da\\_lr\\_108\\_map\\_ExhAA.pdf](#)

- 45. 2010-326** A Resolution of the Governing Board of the South Florida Water Management District requesting release of funds from the Save Our Everglades Trust Fund by the Department of Environmental Protection for the acquisition of land interests containing 129.88 acres, more or less, in Miami-Dade County, Florida, for the Biscayne Bay Coastal Wetlands CERP Project, in the amount of \$24,500,000, and associated costs; providing an effective date. (Bob Schaeffer, ext. 2985)

See resolution document: [da\\_lr\\_109\\_rd.pdf](#)  
See supporting document: [da\\_lr\\_109\\_ExhA\\_legal.pdf](#)  
See supporting document: [da\\_lr\\_109\\_map\\_ExhAA.pdf](#)

### **Regulatory and Public Affairs**

- 46.** Deny Environmental Resource Permit Application 050406-1 for conceptual approval of a surface water management system to serve a 138.36 acre residential development known as Cutler Properties (Miami-Dade County) (Robert M. Brown, ext 6283)

See supporting document: [da\\_wr\\_102\\_sd.pdf](#)

**47. Enter a Final Order Rescinding the following Water Shortage Orders:**

- A) Order No. 2007-870-DAO-WS, which imposed Modified Phase III Landscape Irrigation Restrictions;
- B) Order No. 2008-166-DAO-WS, which imposed Modified Phase II Landscape Irrigation Restrictions within specified areas of the entire District;
- C) Order No. 2008-409-DAO-WS, which imposed Modified Phase II Landscape Irrigation Restrictions on users within the Indian Prairie Basins, Lakeshore Perimeter Basin, and portions of the Kissimmee River Valley Water Use Basin;
- D) Order No. 2009-146-DAO-WS, which imposed Modified Phase II Landscape Irrigation Restrictions for portions of Collier, Hendry and Lee Counties;
- E) Order No. 2009-147-DAO-WS, which imposed Modified Phase II Landscape Irrigation Restrictions for those portions of the S-Dade Water Use Basin located within Miami-Dade and Monroe Counties;
- F) Order No. 2009-269-DAO-WS, which imposed Modified Phase II Landscape Irrigation Restrictions for Osceola County;
- G) Order No. 2009-273-DAO-WS, which imposed Modified Phase II Landscape Irrigation Restrictions on users within that portion of the Reedy Creek Improvement District that is located within Orange County; and,
- H) Order No. 2009-285-DAO-WS, which placed all landscape irrigation users within Orange County under the provisions set forth in St. Johns River Water Management District, Rule 40C-2.024(2), F.A.C.

(Terrie Bates, Ext. 6952)

**Operations and Maintenance**

**48. 2010-327 A Resolution of the Governing Board of the South Florida Water Management District to authorize an amendment to work order contract 4600000435 with Helicopter Applicators, Incorporated for Vegetation Management Aerial Application Services, to increase the not-to-exceed contract value by \$5,000,000 for the remainder of the contract term or November 01, 2011, for which ad valorem funds in the amount of \$1,000,000 are budgeted and the remainder is subject to Governing Board approval of the FY11 budget; providing an effective date. (Contract Number 4600000435-A03) (Ellen Donlan, ext. 6130)**

See supporting document: [da\\_om\\_007\\_sd.pdf](#)

See resolution document: [da\\_om\\_rd\\_15306\\_BFLD.pdf](#)

**49. Public Comment**

- Regulatory Policy Issues
- General Public Comment

## Staff Reports

- 50. General Counsel Report - Sheryl Wood**
- 51. Executive Director's Report - Carol Wehle**
  - Report on Permits Issued by Authority Delegated to Executive Director from February 1 to February 28, 2010
  - See supporting document: [IP Issued by ED February.pdf](#)
- 52. Board Comment**



# Attorney Client Sessions

## **Executive Office**

53. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno.

ATTENDEES: Governing Board Members E. Buermann, J. Collins, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, K. Burns, J. Nutt. (Sheryl G. Wood, ext. 6976)

### Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in United States of America v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 88-1886-CIV-Moreno. (Sheryl G. Wood, ext. 6976)

54. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States Court of Appeals, Eleventh Circuit, Case No. 07-13829-HH; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein.

ATTENDEES: Governing Board Members E. Buermann, J. Collins, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt. (Sheryl G. Wood, ext. 6976)

### Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Friends of the Everglades, Inc. and Fishermen Against Destruction of the Environment, Inc. v. South Florida Water Management District, et al., United States Court of Appeals, Eleventh Circuit, Case No. 07-13829-HH; Miccosukee Tribe of Indians of Florida v. South Florida Water Management District, et al., United States District Court, Southern District of Florida, Case No. 98-6056-CIV-Lenard/Klein; and Friends of the Everglades v. South Florida Water Management District, United States District Court, Southern District of Florida, Case No. 98-6057-CIV-Lenard/Klein. (Sheryl G. Wood, ext. 6976)

- 55.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817, and New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818.

ATTENDEES: Governing Board Members E. Buermann, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, K. Burns, J. Nutt. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Miccosukee Tribe of Indians of Florida, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1817, and New Hope Sugar Company, et al. v. South Florida Water Management District, Supreme Court of Florida, Case No. SC09-1818. (Sheryl G. Wood, ext. 6976)

- 56.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in New Hope Sugar Co., et al. v. South Florida Water Management District, Florida Third District Court of Appeal, Case No. 3D09-2357 and South Florida Water Management District v. Miccosukee Tribe of Indians of Florida, et al., Supreme Court of Florida, Case No. SC09-1893.

ATTENDEES: Governing Board Members E. Buermann, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, F. Bartolone, R. Hanna, C. Lamia, K. Artin, F. Springer, K. Burns, J. Nutt. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in New Hope Sugar Co., et al. v. South Florida Water Management District, Florida Third District Court of Appeal, Case No. 3D09-2357 and South Florida Water Management District v. Miccosukee Tribe of Indians of Florida, et al., Supreme Court of Florida, Case No. SC09-1893. (Sheryl G. Wood, ext. 6976)

- 57.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS.

ATTENDEES: Governing Board Members E. Buermann, J. Collins, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, C. Pettit. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Florida Wildlife Federation, et al. v. Johnson, et al., United States District Court, Northern District of Florida, Case No. 08-cv-00324-RH-WCS. (Sheryl G. Wood, ext. 6976)

- 58.** Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5.

ATTENDEES: Governing Board Members E. Buermann, J. Collins, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, M. Compagno, J. Nutt. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in Cutler Properties, LC v. South Florida Water Management District, Eleventh Judicial Circuit, Miami-Dade County, Florida, Case No. 08-46701 CA 5. (Sheryl G. Wood, ext. 6976)

59. Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in B & E Ranch & Grove, LC. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-19; Chandler, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-110; and Estate of Marvin Thomas, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-20.

ATTENDEES: Governing Board Members E. Buermann, J. Collins, S. Batchelor, G. Waldman, C. Dauray, S. Estenoz, R. Montgomery, K. Powers, P. Rooney; Executive Director C. Wehle; District attorneys S. Wood, S. Nall, C. Kowalsky, K. Rizzardi, J. Nutt, K. Williams. (Sheryl G. Wood, ext. 6976)

Action Items (if any) Stemming from Attorney Client Session

Attorney client session pursuant to Section 286.011(8), Florida Statutes (2009) to discuss strategy related to litigation expenditures and/or settlement negotiations in B & E Ranch & Grove, LC. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-19; Chandler, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-110; and Estate of Marvin Thomas, et al. v. South Florida Water Management District, Nineteenth Judicial Circuit, Okeechobee County, Case No. 2007-CA-20. (Sheryl G. Wood, ext. 6976)

Adjournment

60. Adjourn